

## REMARKS

Claims 1-12 remain pending in this application. None of the claims were amended in this response. The specification was amended in this response to correct form. Entry of the amendments and favorable reconsideration is respectfully requested.

Claims 1-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Herrod* (US Pat. Pub. 2003/0181168). Applicants respectfully traverse this rejection.

Specifically, *Herrod* does not disclose “associating transmitter representative data with respective transmitter location data in the portable device to produce data that maps the locations of the wireless transmitters with the associated transmitter representative data, wherein said transmitter representative data comprises information regarding at least a part of the exposure of the one or more market research participants to one or more commercial items in the market research area” as recited in claim 1, and similarly recited in claims 3 and 5.

Regarding *Herrod*, the document deals with portable data collection (see, e.g., [0091-93]), where a retail application is discussed in relation to FIG. 5. Here, *Herrod* teaches that a portable terminal 10 may be carried into a retail location, where access points 66 transmit information concerning products available in the locality of the terminal 10 for display on the display 50. The terminal 10 receives the signals via the remote link 22 shown in FIG. 2a (see [0099]). In pertinent part, *Herrod* further teaches in paragraphs [100-101]:

[0100] The information transmitted by the access point 66 to the terminal 10 can take various forms, and in one preferred embodiment the terminal displays graphic icons representing products available in the locality, as shown in FIG. 6. For example where the consumer is in the vicinity of the laundry section and the terminal 10 selects the broadcast signal from the nearest access point 66, products available in the laundry section can appear on the terminal display 50 such as dishwashing or normal washing up liquid, 70, 72 respectively. Actual pictorial representations of the products can appear for the customer's ease of reference. Accompanying information such as price, location and any special offers can also be provided at 74. Accordingly, the retail environment can be tailored for optimum efficiency.

[0101] Either a dedicated access point 66 or each of the plurality of access points 66 can also provide, for example, a map of the retail

outlets and the products found as shown in FIG. 7. Optionally the map could include a marker 76 indicating the current location of the user--this could be approximated by establishing which access point was currently in communication with the terminal, or a simple geometric positioning system could be used. Indeed such a positioning system would further allow broadcasts to the terminal to be dependent upon the customer's position as established by the positioning system rather than as determined by the location of the closest access point.

This configuration is materially different from the presently claimed feature of “associating transmitter representative data with respective transmitter location data in the portable device to produce data that maps the locations of the wireless transmitters with the associated transmitter representative data.” There is no disclosure in *Herrod* that teaches any association of transmitter representative data with transmitter location data, and there is no production of data in the portable device mapping the locations of the transmitters with the associated transmitter representative data. As clearly disclosed in paragraph [0101] above, the maps *are already formed* when they are provided from the transmitters to the portable devices.

Additionally, *Herrod* fails to teach that the transmitter representative data “comprises information regarding at least a part of the exposure of the one or more market research participants to one or more commercial items in the market research area.” As *Herrod* provides in paragraph [0099], “access point 66 transmits information concerning products available in the locality of the terminal 10 for display on the display 50.” Thus, the transmitters only provide information on available products in a vicinity of a particular transmitter, but they have no way of knowing if the market participants were actually exposed to any commercial items.

For at least these reasons, the Applicants submit that the rejection under 35 U.S.C. §102 is improper and should be withdrawn. An early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 120913. If such a deduction is made, please indicate the attorney docket number 52579- 113195 (P0123A) on the account statement.

Respectfully submitted,  
**BARNES & THORNBURG LLP**

BY /Peter Zura/  
Peter Zura  
Reg. No. 48,196  
Customer No.: 23644  
Phone: (312) 214-4596

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